

Remarks

The present Amendment is submitted in response to the Advisory Action mailed April 10, 2009 ("AA"), and in support of the request for continued examination (RCE) filed concurrently herewith.

Claim 1 is amended to incorporate the subject matter of claims 12 and 13, now cancelled. Claims 1, 3-9, 11 and 14-16 remain pending hereinafter, where claim 1 is the sole independent claim.

In the AA, the Examiner indicates that the March 27, 2009 Request For Reconsideration does not overcome the rejection of claims 1, 3-9, and 11-16. The final Office Action dated January 27, 2009 rejected claims 1, 3-9, 11-12, 14 and 15 over Stirm in view of Koehler, claim 13 over Stirm and Koehler in view of Ousback, and claim 16 over Stirm and Koehler in view of Pyatov.

In the Continuation of 11 at page 3 of the AA, the Examiner asserts that Koehler teaches a Scotch Yoke slider crank 196 that transmits force between the cam and the drive element 198. The Examiner continues that Koehler's piston 26 is connected to drive unit 22 by the drive element 198 and that the Scotch Yoke slider crank 196 provides a force between an eccentric wheel arranged between crankshaft 204 and crankpin 203, which eccentric wheel drives the crankpin laterally within opening 202 of drive element 198 (col. 8, lines 58-73).

Applicants respectfully disagree. Koehler's crosshead 198 is not equivalent to applicants' drive element (18), as claimed. That is, Koehler's col. 8, lines 58-60, states that Scotch Yoke converting mechanism 196 includes a

transversely extending crosshead 198 integrally formed in the rear wall 200 of piston 26. That is, the crosshead 198 is both “included” in the Scotch Yoke converting mechanism 196 and is part of the piston. Hence, crosshead cannot be equivalent to a drive element (18) connecting to a Scotch Yoke slider crank (23) at one end and piston (15) at its other end via pin (19); see Figs 1 and 3.

However, in order to further distinguish Stirn in view of Koehler under Section 103(a), applicants have further amended claim 1 to qualify drive element (18) as embodying a cranked rod with a cranked section (26), and to add the subject matter of now cancelled claims 12 and 13. Support for the amendment is found at page five of the Specification, lines 22-27, where it states that

The drive element 18 is embodied as a cranked rod with a cranked section 26. The longitudinal segments of the drive element 18 before and after the cranked section 26 are offset from and parallel to each other. The connecting link 32 connected to a free end of the drive element 18 is thus laterally offset from the pin 19 situated at other free end of the drive element 18.

Independent claim 1 as amended now calls out an electric power tool, in particular an electric hammer, having a drive unit (11) contained in a housing (10), an impact mechanism (12), and a handle (13), including a cam (14) that is driven by the drive unit (11); the impact mechanism (12) has a piston (15) and a striker (16) and arranged to be moveable inside a separate guide cylinder (17) that is stationary in relation to the piston (15), striker (16) and the cam (14).

The piston (15) is connected to the drive unit (11) by a drive element (18) embodied as a cranked rod with a cranked section (26); a Scotch Yoke slider crank (23) is provided to transmit the force between the cam (14) and the drive

element (18); and an angle (α) between a longitudinal axis (25) of the guide cylinder (17) and a rotation axis (21) of the drive unit (11) is adjustable by means of the cranked section (26).

Neither Stirn nor Koehler teach or suggest a piston connected to a drive unit by a drive element embodied as a cranked rod with a cranked section; a Scotch Yoke slider crank provided to transmit the force between a cam and the drive element; and an angle (α) between a longitudinal axis of the guide cylinder and a rotation axis of the drive unit that is adjustable by means of the cranked section.

Hence, applicants respectfully assert that it would not have been obvious to combine Koehler with Stirn, and even if combined, that the combination would not realize the invention as recited in amended independent claim 1. Claim 1, and claims 3-9, 11, 14 and 15 are therefore patentable under 35 USC §103(a) over Stirn in view of Koehler, and applicant respectfully request withdrawal of the rejection of the claims thereunder.

In response to the rejection of claim 16 over Stirn and Koehler further in view of Pyatov, applicants respectfully assert that Pyatov suffers the same shortcomings of Stirn combined with Koehler, as stated above. That is, Pyatov, like Stirn combined with Koehler, fails to disclose, teach or suggest teach or suggest a piston connected to a drive unit by a drive element embodied as a cranked rod with a cranked section; a Scotch Yoke slider crank provided to transmit the force between a cam and the drive element; and an angle (α)

between a longitudinal axis of the guide cylinder and a rotation axis of the drive unit that is adjustable by means of the cranked section. Applicants, therefore, respectfully request the withdrawal of the rejection of claim 16 under section 103(a) by the Stirn/Koehler combination further in view of Pyatov.

Accordingly, the application as amended, including pending claims 1, 3-9, 11 and 14-16, is believed to be in condition for allowance. Action to this end is courteously solicited. However, should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application in condition for allowance.

Respectfully submitted,

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